

REMARKS

Claims 1-3, 5-8, 13 and 25 were rejected under 35 U.S.C. § 102(b) as being disclosed by GQ cover Story 1999, hereinafter GQ.

By this amendment, claims 1, 6, 7, 10, 11, 12, and 27 have been amended. Claims 13-26 and 28 have been cancelled. New claim 29 has been added.

There are two independent claims in this case. Claim 1 and claim 29. Claim 1 will now be discussed. With respect to paragraph c of claim 1, the Examiner states that "We're not kidding" corresponds to the effective seriousness of GQ". Although that may be true, affective information defined in paragraph c relates to the feelings or emotions of the user towards the digital image. The feelings or emotions of "We're not kidding...." is not related to the particular depicted image. Rather it relates to a comparison between Russell Crowe and Marlon Brando. The digital image of Russell Crowe is not of consideration here. Claim 1 now has been amended to indicate that the affective information includes a quantitative value which is an importance rating of the digital image. There is nothing in the cited reference which is a quantitative value. Russell Crowe is merely stated to be the next Marlon Brando and Marlon Brando is deceased. There is no quantitative rating here.

Applicants believe that new claim 1 sets forth a new and unobvious image file, not disclosed in or suggested by the cited reference. Claims 2-12 depend upon claim 1 and should be allowed with it, however, amended claim 6 now requires that "the digital image file includes user identifiers for a plurality of users and a like plurality of quantitative values, where each quantitative value is an importance rating of the digital image for the associated user." There is nothing in the GQ reference which has quantitative values associated with a plurality of users for a stored digital image. This claim is also believed to define unobvious subject matter.

Claim 7 depends on claim 6 and uses the subject matter of claim 6 for a retrieval scheme for stored digital images. Nothing in the GQ reference discloses or suggests this method.

Claims 4, 16 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GQ as applied to claims 1 and 13 above, and in view of Real World Photoshop 3, hereinafter Photoshop.

Claims 16 and 26 have been rejected. The Examiner is correct in that Photoshop teaches about using information which could include information related to the capture device used to capture the digital image. Nothing in Photoshop discloses or suggests the features set forth in paragraph c of claim 1.

Claims 9, 12, 21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GQ as applied to claims 1 and 13 above, and in view of Ano (US Publication No. 2002/0030665).

Claims 21 and 24 have been cancelled. Claims 9 and 12 depend upon claim 1 and should be allowed along with claim 1. GQ has been discussed above.

Ano does not teach or suggest that the information identifying "favorite" images should be stored as data, let alone storing a value which is an importance rating in an image file.

Claims 11 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GQ as applied to claim 1 above, and further in view of Abbott et al., (US Publication No. 20020054174), hereinafter Abbott.

Claim 23 has been cancelled. GQ has been discussed above. Nevertheless, Abbott et al. disclose monitor the physiology of a user, but never creates an image file having a particular image.

Abbott, et al. teach a system which monitors user actions. However, this system does not produce a rating related to an image, let alone store a value which is an importance rating in an image file.

Claims 27 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GQ as applied to claim 1 above, and further in view of Miss International 1960, herein after Miss International.

Claim 28 has been cancelled. Miss International shown a single image with a caption wherein the "Top 5 at Miss International 1960. From left to right: 3rd runner-up, Miss England, Joyce Kay; 1st runner-up, Miss India Iona Pinto; Miss International Beauty of 1961, Miss Colombia, Stella Marquez; 2nd runner-up, Miss Iceland, Sigridur Geirsdottir; and 4th runner-up, Miss U.S.A., Charlene Lundberg." Clearly, the caption is not an importance rating. It merely refers to 5 different subjects in the image. This is not a particular quantitative value.

Claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GQ as applied to claim 1 above, and further in view of Pierce et al. (US Pat. No. 6,327,580)

Pierce, et al. teach a postage printing system which uses user profile data to identify a subset of messages available for printing. Applicants fail to find any rating system in Pierce, et al., let alone storing a value which is an importance rating in an image file.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Photoshop and Ano as applied to claim 1 above, and further in view of Oda et al. (US Patent No. 6,088,040 A).

Photoshop and Ano have been discussed above. Oda, et al. teach a system which includes a camera for capturing facial expressions. However, this system does not produce a rating related to an image, let alone store a value which is an importance rating in an image file.

New claim 29 defines a collection of image files wherein each image file contains a different digital image. Each image file is the same as in claim 1. Claim 29 should be allowable for the same reasons that claim 1 is allowable.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.